

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: : CASE NO.: 14-13331-bif

Allan G. Andain : CHAPTER 13

Debtors. :

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Wells Fargo Bank, N.A. as servicer for The Bank  
of New York Mellon, f/k/a The Bank of New York,  
successor in interest to JPMorgan Chase Bank,  
N.A. f/k/a JPMorgan Chase Bank, as Trustee, for  
GSMPS Mortgage Loan Trust 2003-2, Mortgage  
Pass-Through Certificates, Series 2003-2

Movant. :

and :

Allan G. Andain and William C. Miller, Chapter 13  
Trustee,

Respondents

**OBJECTION TO DEBTOR'S CHAPTER 13 PLAN**

AND NOW, comes Wells Fargo Bank, N.A. as servicer for The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPS Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2 ("Movant"), by and through its attorneys, Zucker, Goldberg & Ackerman, LLC, and files this Objection to Debtor's Chapter 13 Plan and avers as follows:

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPS Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2 is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPS Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2 is a party-in-interest under the provisions of the Bankruptcy Code, as it is a secured creditor of the Debtor.
4. The Debtor filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code on April 28, 2014 ("Petition") and on May 5, 2014 filed a Chapter 13 Plan ("Plan").

5. The Debtor is currently obligated to The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPs Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2, under the terms of a certain Note, dated August 25, 1998, in the original principal amount of \$72,900.00 ("Note"), in favor of Gateway Funding Diversified Mortgage Services, L.P. ("Obligee").

6. As security for repayment of the Note, Debtor executed a certain Mortgage, dated of even date, in favor of Gateway Funding Diversified Mortgage Services, L.P., with respect to certain real property owned by the Debtor located at 1043 DeKalb Street, Norristown, PA 19401 ("Real Property"), with said Mortgage being recorded in the Office of Recorder of Deeds in and for Montgomery County, Pennsylvania, on September 8, 1998, at Mortgage Book Volume 8233, Page 383 ("Mortgage").

7. At the time of recording, the Mortgage became a first priority mortgage lien upon the Real Property.

8. The bar date for filing proofs of claim is November 4, 2014. The Movant has not yet filed its Proof of Claim ("Claim") but intends to do so evidencing a total secured claim of \$72,683.20 and a prepetition arrearage of approximately or in excess of \$20,543.66 as of the date of filing, April 28, 2014.

9. Debtor's Plan proposes to pay Movant's prepetition arrearages inside a sixty (60) month plan.

10. However, the distributions to Movant pursuant to the Plan will amount to only \$16,500.00.

11. Debtor's Plan is in violation of §1322(b)(2) and (5) of the Bankruptcy Code, because it fails to provide adequate protection payments to the secured creditor, The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPs Mortgage Loan Trust 2003-2, Mortgage Pass-Through Certificates, Series 2003-2, over the life of the Plan in the amount of its secured prepetition arrearage claim, and, in effect, impermissibly attempts to modify the terms of Movant's Note which is secured solely by the principal residence of Debtor.

12. Consequently, because the Debtor's Plan fails to meet the requirements of §§1322(b)(2) and (5) of the Bankruptcy Code, the Plan cannot be confirmed.

WHEREFORE, The Bank of New York Mellon, f/k/a The Bank of New York, successor in interest to JPMorgan Chase Bank, N.A. f/k/a JPMorgan Chase Bank, as Trustee, for GSMPs Mortgage Loan Trust

2003-2, Mortgage Pass-Through Certificates, Series 2003-2 respectfully requests that this Honorable Court sustain its Objection to Debtor's Chapter 13 Plan and deny confirmation of said Plan.

Respectfully submitted:

ZUCKER, GOLDBERG & ACKERMAN, LLC

By: /s/ Kimberly A. Bonner

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